



## **RELIGIOUS ACTION CENTER OF REFORM JUDAISM**

*The Religious Action Center pursues social justice and religious liberty by mobilizing the American Jewish community and serving as its advocate in the nation's capital*

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July 20, 2004

Dear Representative:

On behalf of the Union for Reform Judaism, which encompasses more than 1.5 million Reform Jews in North America, I urge you to oppose H.R. 3313, the "Marriage Protection Act of 2004." This legislation would strip federal courts of the authority to hear cases pertaining to the Defense of Marriage Act (DOMA), the federal law defining marriage in the United States. I understand that H.R. 3133 will be considered as early as Thursday, July 22.

The Marriage Protection Act would undermine our system of governmental checks and balances and compromise the due process rights of gay and lesbian Americans, who have a particular interest in judicial review of DOMA. Enacting the Marriage Protection Act would also set a dangerous precedent for denying federal courts the authority to hear cases in other critical and controversial areas of law, including religious liberty. This legislation threatens the rights of all Americans by fundamentally undercutting our entire system of government. Congress should not go down this dangerous road.

The doctrine of federal judicial review ensures that the Constitution will always reign supreme. As interpreters of the Constitution, the courts act as a necessary safeguard to ensure that no legislation oversteps the bounds defined by the Framers. The Marriage Protection Act would obliterate this important protection by anointing Congress both maker and arbiter of the law regarding same-sex relationships. This would directly contravene the Framers' intent and threaten the Constitution itself.

Jewish tradition teaches us that all human beings are created *b'tzelem Elohim* – in the Divine image. This teaching, the Constitution, and the tradition of American jurisprudence demand that all citizens have equal access to the levers of justice.

The integrity of our system of governance is at stake. This legislation, H.R. 3133, could have devastating consequences for due process and the separation of powers. Regardless of your view on same-sex marriage, I strongly urge you to vote against the Marriage Protection Act when it comes before the House of Representatives.

Sincerely,

Rabbi David Saperstein  
Director, Religious Action Center of Reform Judaism